Agenda – Council – December 14, 2005

Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 23 Zoning Agreement Amendment - 15 Jean Louis Road
File ZAA 13/2005 [c/r DAZ 276/86]

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That Zoning Agreement Caveat No. 86-133631 under File DAZ 276/86 dated September 24, 1986, (By-law No. 4447/86) be amended by rewording Clause 2 to read "no new dwellings or accessory structures (excluding fences) shall be constructed on the land within fifty (50) feet of the west limit of the existing St. Mary's Road right-of-way."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 276/86 (By-law No. 4447/86) dated September 24, 1986, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Report - Standing Policy Committee on Property and Development - November 29, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2005, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Zoning Agreement Amendment - 15 Jean Louis Road**
File ZAA 13/2005 [c/r DAV 137472/2005B]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **November 24, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On November 22, 2005, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That Zoning Agreement Caveat No. 86-133631 under File DAZ 276/86 dated September 24, 1986 (By-law No. 4447/86) be amended by rewording Clause 2 to read "no new dwellings or accessory structures (excluding fences) shall be constructed on the land within 50 feet of the west limit of the existing St. Mary's Road right-of-way."

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 276/86 (By-law No. 4447/86) dated September 24, 1986, as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

The Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated November 13, 2005.

PUBLIC HEARING SUMMARY

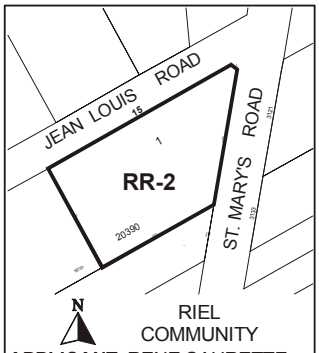
File: ZAA 13/2005 [c/r DAV 137472/2005B]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico
Councillor Steeves

Public Hearing: November 22, 2005
Council Building, 510 Main Street

Applicant: René Saurette

Subject:



APPLICANT: RENE SAURETTE
FILE : ZAA 13/05
PROPOSAL : To amend the Zoning Agreement affecting the land shown outlined above to permit the construction of an accessory building within 18.29 metres (60 feet) of the west limit of the existing St. Mary's Road right-of-way instead of the restriction of 30.48 metres (100 feet) as stipulted in the agreement. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : RENÉ SAURETTE
N° DE RÉFÉRENCE : MCZ 13/05
PROJET : Demande de modification de la convention de zonage touchant le bien-fonds indiqué ci-dessus et visant à permettre la construction d'un bâtiment annexe dans les 18,29 mètres (60 pieds) de la limite ouest de l'emprise actuelle donnant sur le chemin St. Mary's au lieu de la restriction de 30,48 mètres (100 pieds) ainsi qu'il est précisé dans la convention. **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 15 Jean Louis Road

Exhibits Filed:

1. Application dated October 21, 2005
2. Notification of Public Hearing dated October 27, 2005
3. Manitoba Status of Title 1619404
4. Surveyor's Building Location Certificate and sketch dated July 9, 1999
5. Zoning Agreement dated September 24, 1986
6. Variance Order DAV 137472/2005B
7. Plan
8. Report from the Manager of Planning and Land Use dated November 13, 2005
9. Inspection Report

REPRESENTATIONS:

In Support:

René Saurette

In Opposition

Nil

For the City:

Mr. K. Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

The applicant, René Saurette, appeared in support of the application.

Exhibit "8" referred to in File ZAA 13/2005 [c/r DAV 137472/2005B]

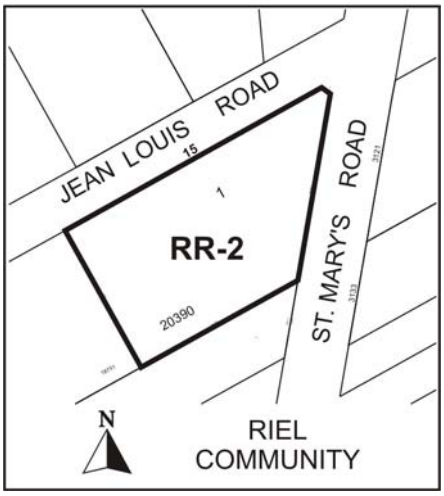
Winnipeg

Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 13/2005
File: ZAA 13 /05
Related Files: DAV 05 137422B
Subject: To amend the subject zoning agreement to permit the construction of an accessory building at a distance of 18.29 metres (60 feet) from the west limit of the St. Mary's Road right-of-way instead of the current minimum of 30.48 metres (100 feet).

Location: 15 Jean Louis Road
Legal Description: Lot 1 Plan 20390



Applicant: Rene Saurette
Owner: Same

Recommendation: (Approved with Conditions)

Site Description

The subject parcel is more than two acres in size and lies at the s.w. corner of Jean Louis Road and St. Mary's Road. It is bounded on the south by a small commercial parcel adjoining Forbes Road; by two acre residential lots to the north and west; and by agricultural businesses and dwellings to the east.

Background

When Jean Louis Road and the 2 acre lots on it were created by subdivision in 1986, a minimum 100' setback for building structures was established and inserted in the zoning agreement for those lots abutting St. Mary's Road. The setback was imposed because at that time , there was some indication that a widening on the west side of St. Mary's Road was imminent. That never materialized.

Description of the Proposed Development

The applicant is in the process of constructing a one story dwelling in the middle of the site with direct access to Jean Louis Road. Midway between the proposed new house and St. Mary's Road , he intends to construct 1200 sq. ft. garage. The garage will be sited 60' from the west limit of the St. Mary's Road right-of-way and in the middle of a large tree stand. It is unlikely that the proposed new garage will be visible from St. Mary's Road.

Analysis

Under zoning agreement DAZ 276/86, there was a clause which stated that there should be no structures on the subject property within 100 feet of the west limit of the St. Mary's Road right-of-way. The Public Works Department had insisted on the aforementioned set-back , at that time, to accommodate a future 50' widening of St. Mary's Road. Similar setback requirements were placed (caveated) in essentially every agreement for every new subdivision that occurred along St. Mary's Road in the years to follow. Most subdivision occurred in the minimum 2 acre areas west of St. Mary's Road. Property owners have respected those setbacks over the last twenty years but in recent years the position of the Public Works Department has changed. The City's Public Works Dept. is now of the view, that there is less likelihood of a major road widening occurring in this area. Therefore the Administration is not opposed to the proposed amendment which would permit a structure to be built at a distance of 60' from the west limit of the St. Mary's Road right-of-way. A 40' reduction in the required building setback will still allow for a reasonable noise attenuation provision. It should be noted that a variance has already been obtained for a larger garage than that which is permitted under the by-laws for a lot of this size. (1200 sq. ft. instead of 800 sq. ft.)

Recommendation

The Planning and Land Use Division recommend approval for the following reasons:

- The Public Works Dept. originally imposed the setback in order to accommodate future road widening requirements. Those widenings are no longer deemed to be a high priority and therefore a modification of the setback clause should be endorsed.

Recommended Conditions of Approval

I. That the Zoning Agreement Caveat No. 86-133631 File # DAZ 276/86 dated Sept. 24/86 (By-Law # 4447/86) be amended by rewording Clause 2. to read ‘’no new dwellings or accessory structures (excluding fences) shall be constructed on the land within 50 feet of the west limit of the existing St. Mary’s Road right-of-way .

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 276/86 (By-Law # 4447/86) dated, Sept. 24/86 , as approved in aforesaid Clause 1.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division report prepared by Kevin Lalor
PPD File # (.529)